

SUMMARY STATEMENT

Searle v. Searle, Docket No. 45029

In a case arising out of Bingham County, the Idaho Supreme Court reversed the magistrate's order modifying child custody. Lisa M. Searle, nka Lisa Loosle ("Mother") argued that the magistrate abused its discretion in determining there had been a substantial, material, and permanent change in circumstances warranting a change in custody. Mother also argued the magistrate abused its discretion when it determined it was in the best interests of Child to modify the existing custody agreement and give Dustin L. Searle ("Father) physical custody during the school year. The Supreme Court determined that the magistrate did not err in determining there had been a substantial, material, and permanent change in circumstances, but that the magistrate did err in when it determined it was in Child's best interests to modify custody.

The Supreme Court stated that the party seeking the custody modification, in this case Father, has the burden of proving that it is in the child's best interests to modify custody. Father was unable to show facts demonstrating why it was in Child's best interests to modify the existing custody plan and give him custody of Child during the school year. Because it was not in Child's best interests to modify custody, the magistrate's order modifying custody was reversed.